

Pollution Control Hearings Board
Shorelines Hearings Board
Forest Practices Appeals Board
Hydraulic Appeals Board
Environmental and Land Use Hearings Board



Telephone: (360) 459-6327
FAX: (360) 438-7699
Email: eho@eho.wa.gov
Website: www.eho.wa.gov

STATE OF WASHINGTON
ENVIRONMENTAL HEARINGS OFFICE

Mailing Address: PO Box 40903, Olympia, WA 98504-0903

Physical Address: 4224 - 6th Ave. SE, Bldg. 2, RoweSix, Lacey, WA 98504-0903

September 17, 2009

Jan Hasselman
Janette Brimmer
Joshua Osborn Klein
Earthjustice
705 Second Ave Ste 203
Seattle WA 98104

Stephen Klasinski
Asst. Attorney General
DOT
PO Box 40113
Olympia WA 98504-0113

Ronald Lavigne
Senior Counsel
Ecology
PO Box 40117
Olympia WA 98504-0117

Re: PCHB No. 09-023
PUGET SOUNDKEEPER ALLIANCE v. DOT and ECOLOGY

Dear Parties:

Enclosed please find the Second Amended Pre-Hearing Order in this matter

If you have questions, please do not hesitate to call.

Sincerely,

Kay M. Brown
Administrative Appeals Judge, Presiding

KMB/dj/P 09-023
Cc: Kathleen Emmett, Ecology

CERTIFICATION

On this day, I forwarded a true and accurate copy of the documents to which this certificate is affixed via United States Postal Service postage prepaid to the attorneys of record herein.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.
DATED Sept 17 2009, at Lacey, WA.

1
2 BEFORE THE POLLUTION CONTROL HEARINGS BOARD
3 STATE OF WASHINGTON
4

5 PUGET SOUNDKEEPER ALLIANCE,

6 Appellant,

7 v.

8 STATE OF WASHINGTON,
9 DEPARTMENT OF ECOLOGY, and
10 STATE OF WASHINGTON,
11 DEPARTMENT OF TRANSPORTATION,
12

13 Respondents.
14
15

PCHB NO. 09-023

SECOND AMENDED PRE-HEARING
ORDER

16 The parties filed a joint request to strike the prior hearing dates and interim case schedule,
17 and to schedule a conference. A conference was conducted on September 17, 2009, and the
18 following amendments to the Second pre-hearing order were agreed to by the parties:

- 19 1. Dispositive motions shall be filed on or before **January 4, 2010**.
- 20 2. Discovery must be complete by **February 26, 2010**.
- 21 3. The parties shall file a joint status report with the Board, setting forth settlement possibilities in the case, by **March 29, 2010**.
4. There will be no separate designation of expert witnesses. Final lists of witnesses and exhibits will be filed and served on **March 29, 2010**.
5. Exchange of exhibits will be completed by **April 5, 2010**.
6. Pre-filed direct testimony for any witness is allowed but not required. The filing deadline for pre-filed testimony is **April 21, 2010**.
7. Pre-hearing briefs are optional, but if submitted, must be filed and served no later than **April 21, 2010**.

1 8. The hearing in this matter is set for April 28, 29, and 30, 2010, commencing at 9:00
2 a.m. at the Board's office in Lacey, WA.

3 Except as amended above, the Second Pre-Hearing Order shall remain in effect and shall
4 govern the proceedings, unless subsequently modified by Order of the Board for good cause
5 upon a party's motion or the Board's volition.

6 SO ORDERED this 17th day of September, 2009.

7 POLLUTION CONTROL HEARINGS BOARD

8 Kym B
9 KAY M. BROWN, Presiding,
10 Administrative Appeals Judge